

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division**

**JOHN DOE 5, JOHN DOE 6, and JOHN  
DOE 7, by and through their next  
friend, NELSON LOPEZ, on behalf of  
themselves and all persons similarly situated,**

*Plaintiffs,*

**v.**

**SHENANDOAH VALLEY JUVENILE  
CENTER COMMISSION,**

*Defendant.*

**CIVIL ACTION**

**Case No.: 5:17-cv-00097-EKD**

**Honorable Elizabeth K. Dillon**

**CONSENT MOTION TO DISMISS**

Defendant Shenandoah Valley Juvenile Center Commission, by counsel, respectfully moves for the entry of an Order dismissing this case for lack of subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). Plaintiffs have consented to this Motion and to a ruling without a hearing. Defendant respectfully requests that the Court enter an Order granting its motion for the reasons and on the bases set forth in Defendant's supporting Brief filed contemporaneously herewith.

DATED: April 26, 2023

**Respectfully submitted,  
SHENANDOAH VALLEY JUVENILE  
CENTER COMMISSION  
*By Counsel***

By: /s/ Jason A. Botkins

Jason A. Botkins (VSB No. 70823)

Melisa G. Michelsen (VSB No. 40001)

Daniel P. Rose (VSB No. 93736)

410 Neff Avenue

Harrisonburg, Virginia 22801-3434

Telephone: (540) 434-5353

Facsimile: (540) 434-6069

[jason.botkins@littensipe.com](mailto:jason.botkins@littensipe.com)

[melisa.michelsen@littensipe.com](mailto:melisa.michelsen@littensipe.com)

[daniel.rose@littensipe.com](mailto:daniel.rose@littensipe.com)

Harold E. Johnson (VSB No. 65591)

Williams Mullen

200 South 10<sup>th</sup> Street

Richmond, Virginia 23219

Telephone: (804) 420-6000

Facsimile: (804) 420-6507

[hjohnson@williamsmullen.com](mailto:hjohnson@williamsmullen.com)

*Counsel for Defendant Shenandoah Valley Juvenile Center Commission*

### **CERTIFICATE**

I certify that on the 26th day of April, 2023, I electronically filed the forgoing Consent Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Mirela Missova (*pro hac vice*)  
Marja Plater (*pro hac vice*)  
Washington Lawyers Committee  
for Civil Rights and Urban Affairs  
700 14th Street NW, Suite 400  
Washington, D.C. 20005  
Telephone: (202) 319-1000  
Facsimile: (202) 319-1010  
[mirela\\_missova@washlaw.org](mailto:mirela_missova@washlaw.org)  
[marja\\_plater@washlaw.org](mailto:marja_plater@washlaw.org)

*Attorneys for Plaintiffs John Doe 5,  
John Doe 6, and John Doe 7*

Theodore A. Howard (*pro hac vice*)  
Benjamin C. Eggert  
Wiley Rein LLP  
2050 M Street, NW  
Washington, D.C. 20036  
Telephone: (202) 719-7120  
Facsimile: (202) 719-7049  
[thoward@wiley.law](mailto:thoward@wiley.law)  
[beggert@wiley.law](mailto:beggert@wiley.law)

/s/ Jason A. Botkins  
*Counsel for Shenandoah Valley  
Juvenile Center Commission*